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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 CLYDE MCKNIGHT, a/k/a "Pizza,"
13 and PATRICK TABLES, a/k/a "Break
14 Bread,"

15 Defendants.

CR18-16 TSZ

MINUTE ORDER

16 The following Minute Order is made by direction of the Court, the Honorable
17 Thomas S. Zilly, United States District Judge:

18 (1) The motion to compel, docket no. 149, brought jointly by defendants Clyde
19 McKnight and Patrick Tables, is GRANTED in part and DEFERRED in part, as follows.
20 The Government is DIRECTED to produce to defense counsel, within seven (7) days of
21 the date of this Minute Order, a redacted version of the cooperation agreement between
22 the Seattle Police Department ("SPD") and confidential source number 1 ("CS-1"). The
23 identity of, and any details that might identify, CS-1, as well as the identities of SPD or
other law enforcement personnel, and any details that might identify them, shall be
redacted from the cooperation agreement before it is disclosed to defense counsel. A
copy of the redacted cooperation agreement shall be filed under seal. Defense counsel
shall not share the redacted cooperation agreement with their clients until further order of
the Court. The motion to compel is otherwise deferred, and the Court will hear oral
argument on the motion on February 20, 2019, in conjunction with the Franks hearing
scheduled to begin at 9:00 a.m. Defense counsel are reminded that, in a Franks hearing,

1 the only impeachment permitted is of the affiant, and “not of any nongovernmental
informant.” *Franks v. Delaware*, 438 U.S. 154, 171 (1978); *United States v. DiCesare*,
2 765 F.2d 890, 895 (9th Cir. 1985); *see also United States v. Perdomo*, 800 F.2d 916, 921
3 (9th Cir. 1986) (“Allegations that statements reported in the affidavit and made to the
affiant are false are not sufficient to satisfy the requirements for a *Franks* hearing unless
4 the defendant contends that the affiant has misrepresented the statements made by
another.”). Unless defendants can make a better showing with regard to the requested
disclosures about CS-1, defendants’ motion to compel will be otherwise denied.

5 (2) The Clerk is directed to send a copy of this Minute Order to all counsel of
6 record.

7 Dated this 28th day of January, 2019.

8 William M. McCool
9 Clerk

10 s/Karen Dews
11 Deputy Clerk